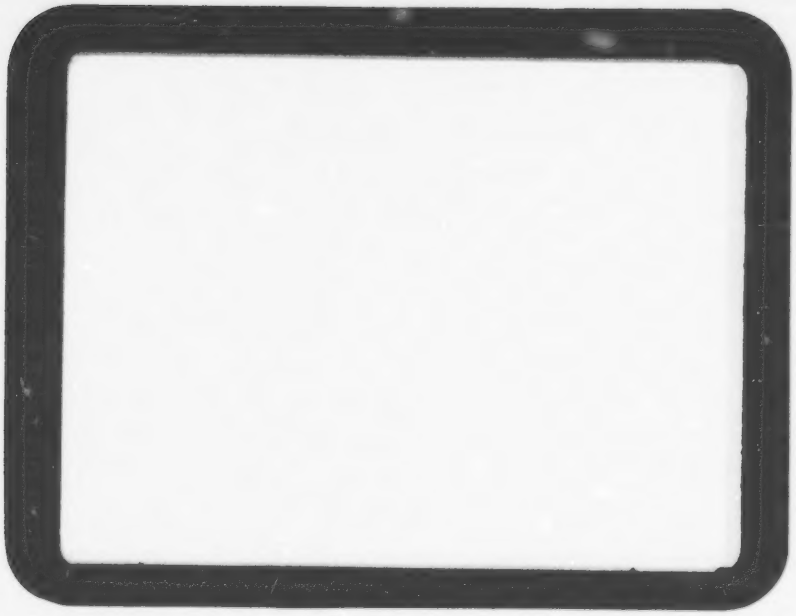

Province of British Columbia
Ministry of Forests
and Lands

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A DISCUSSION PAPER ON

SILVICULTURE REGULATIONS

IN BRITISH COLUMBIA

Prepared by:

The Silviculture Branch

B.C. Forest Service

Ministry of Forests and Lands

January 1988

BACKGROUND

On December 17, 1987, the British Columbia legislature unanimously approved amendments to the Forest Act, thus ushering in a new era in the practice of silviculture.

The amendments reflect the policy that the process of regenerating a new forest goes hand-in-hand with the privilege of harvesting timber.

Regulations are now needed to effectively and efficiently implement the new provisions of the Act.

DISCUSSION

Below are subject areas and their intent that are now being considered by the B.C. Forest Service. They are provided for advice. We hope to receive input from anyone interested in this matter.

We welcome recommendations not only on these items, but also on any others where regulations for silviculture may be appropriate.

Comments should be submitted to the Director, Silviculture Branch, by February 29, 1989.

1. **Definitions and interpretation**

   Intent: to define terms used in the regulations. Terms contained in the Forest Act need not be redefined.

2. **Responsibilities before October 1, 1987**

   Note: the provincial government has accepted the silviculture responsibility for areas harvested before October 1, 1987, and the regulations will control actions on areas harvested after that date.

3. **Pre-harvest silviculture prescriptions**

   Intent: to specify the plan of silvicultural treatments after harvesting and to clarify all related aspects.

   i. Submission:

      Intent: to specify when prescriptions should be submitted; where they should be available for public scrutiny; and to specify regulations on prescriptions for areas destroyed or damaged.

ii. Relief from Section 129.4 of the Forest Act:

Notes: this section states that within a tree farm licence, or woodlot licence, the licensee must carry out basic silviculture on areas where the timber has been destroyed or damaged. Subsection (4) allows relief for this to be granted by the District Manager.

Intent: to provide guidance on conditions under which relief may be granted.

Example: there may be a limit on the size of an area for which a licensee would be responsible.

iii. Referral:

Intent: to deal with the requirement to refer prescriptions to other agencies or public bodies who may be affected by harvesting; and to specify the availability of information that returns after the referral.

iv. Content:

Intent: to specify requirements for content within a pre-harvest silviculture prescription or silviculture prescription.

Notes:

a. The fundamental requirement shall be that the silviculture prescription will be designed to ensure that a free-growing crop is established on the area. It shall also stipulate the basis for making a prescription, namely: ecological principles; timber and other objectives for the area; the silvicultural system used to regenerate the area; known and expected pest risks for the area; and ways to ensure soil protection.

b. A schedule will be designed to specify the minimum contents of a pre-harvest silviculture prescription. This would include the species, timing and density limits of the stand to be grown.

c. Since the pre-harvest silviculture prescription represents a plan, it must identify specific actions that may be required if the situation changes.

Example: if natural regeneration is prescribed, a time has to be set at which, if natural regeneration has failed, the area should be planted.

v. Amendment:

Notes: since the prescription is made before timber is harvested, it is possible that the situation will not be exactly as envisaged. Thus it may be necessary to amend the prescription.

Intent: to specify reasons for amendment and the limitations on such amendments.

4. Seeds, seedlings and genetic quality

Notes: In much of the silviculture program, planting is the most effective way to ensure that a new crop is established. This cannot occur without having the appropriate supply of seeds and seedlings.

Intent: to generally regulate these aspects.

i. Ensured seed supply:

Note: since cone crops on wild stands are sporadic, planning horizons must be set to ensure that seed is available.

Intent: to specify requirements for seed supply and any consequences if the seed supply is not available.

ii. Penalty:

Intent: to specify penalties for not ensuring a seed supply.

iii. Permit:

Notes: the quality of seed collected is affected by the stand of trees from which the cones are collected. This, in turn, can affect the future crop. Previously, when licensees were reimbursed for the cost of cone collection, quality control was maintained.

Intent: to consider the use of permits to ensure continued quality control.

iv. Seed withdrawal:

Notes: the B.C. Forest Service will be keeping registered tree seeds at its temperature controlled storage location.

Intent: to require the use of a Sowing Request System to ensure an orderly process for the request of seed to be withdrawn for sowing.

v. Seed priority:

Note: there may be both wild-seed and seed-orchard seed available for a particular timber supply area.

Intent: to enable priorities to be set to ensure that the best seed is used.

5. <u>Costs</u>

Note: Part 10.1 of the <u>Forest Act</u> requires a major licence holder to carry out basic silviculture at his expense.

Intent: to amplify on this.

i. Appraisal fixed:

Note: the appraisal for silvicultural cost allowances will probably be associated with the pre-harvest silviculture prescription or silviculture prescription.

Intent: to ensure that there will be no change in the appraisal allowance granted, even if there are adjustments in actions later on.

ii. Payment for failure:

Note: Since the licensee has the full responsibility to ensure that a free growing crop is established, measures are necessary if the crop fails.

Intent: to ensure that the licensee will bear the costs of reworking the area if the crop fails.

6. <u>Records and reporting</u>

i. Records:

Intent: to require that a licensee keeps records on cut blocks on which silvicultural activities are completed; to specify the consequences of not complying with this requirement; to ensure that the B.C. Forest Service has access to these records, if necessary; and to require reports for silvicultural activities funded by the public.

Example: the licensee's records should include the seedlot registration number for trees that have been planted on an area to ensure that the B.C. Forest Service has knowledge of the genetic base used on the land.

ii. Reporting:

Note: It is imperative that the B.C. Forest Service has access to information on the Crown resource.

Intent:

- to ensure that a coordinated and compatible information system, such as the History Record System, is available for the whole province to enable the B.C. Forest Service to access information on the status of cut blocks after harvesting;
- to require a map of the area harvested;

- to require, at some key points in the process of a pre-harvest silviculture prescription, specific reports by the licensee. These will provide the initial basis for monitoring of activities by the Forest Service.
  Example: the critical events are the establishment of the initial crop (the regeneration delay period) and the free-growing assessment period.
- to require, once the area has been treated and is satisfactorily free-growing, an updated map showing the forest cover label.

iii. Annual reporting:

Notes: The Ministry of Forests Act requires an annual report to the legislature. It involves the summary of silviculture activities, comparison with plans, and a designation of areas on which the basic silviculture obligation has been carried out and how well.

Intent: to require an annual report.

7. **Silviculture audits**

Intent: to deal with the formal audit of concurrence with Part 10.1 of the Forest Act.

i. Comparisons with the pre-harvest silviculture prescription:

Intent: to base the audits on the comparison of actions and status of an area against those specified in the approved pre-harvest silviculture prescription or silviculture prescription; in particular, to deal with the suitability and adequacy of site preparation, initial crop establishment, and establishment of a free growing crop.

ii. Standard methods:

Note: Licensees are entitled to use all methods of work process and measurement that they wish.

Intent: to carry out audits using standard B.C. Forest Service procedures to ensure clear performance standards.

iii. Professional independent silviculture audits:

Intent: to have professionals familiar with the local silvicultural situation to carry out audits, where independent silviculture audits are required.

iv. Minimum level:

Intent: to establish the minimum number of audits that should be done upon licensee operations carrying out basic silviculture.

8. Penalties

Intent: to deal with the details of the penalties under Section 129.7 of the Forest Act.

i. Notification:

Intent: to identify the time limit to be specified in the notice to comply.
Note: it will relate to the feasibility of doing the work yet achieving the free-growing standard time limits.

ii. Correction of failures:

Intent: to deal with the actions of the B.C. Forest Service when a licensee does not comply with the notification to proceed.

iii. Application of penalties:

Intent: to deal with the application of penalties in situations where a licensee has not complied.

iv. Deposits:

Intent: to deal with the application of charges against deposits and how such deposits shall be replenished.

v. Payment of penalty:

Intent: to deal with the additional payment of penalty, apart from the charging of the cost.

vi. Cost estimates:

Intent: to deal with a list of the costs that shall be included and charged against the licensee for correction of failures.

vii. Suspension:

Intent: to deal with the consequences if a licensee fails to pay penalties.

9. **Work Administration**

Intent:
- to generally deal with administering the work that has to be done by a licensee to carry out basic silviculture;
- to ensure that the licensee will hold full responsibility for carrying out the work, through contracts if necessary, and will supply the seeds, registered seedlings, and equipment; and,
- to ensure that the survey work is done by certified silviculture surveyors.

10. **Incremental Silviculture**

Intent: to deal with regulations on incremental silviculture activity, and, in particular, the issue of allocating benefits from doing incremental silviculture work and the relationship as to who has provided the funding.

11. **Nurseries and Stock**

Intent: to deal with regulations on the use of nurseries and stock, in particular, whether all nurseries should be required to produce notice of pesticides used; and to deal with the area of costs for cold storage of seedlings.

12. **Appeals on Section 129.9**

Intent: to deal with an appeal process.

Note: The only area for appeal is under Section 129.7/(2) where the Regional Manager will determine if a major licence holder has complied with the pre-harvest silviculture prescription.

This is the summary of areas now being considered for regulation.

If you have additional subject areas or comments on these specific areas, please submit them by February 29, 1988 to:

Director - Silviculture Branch,
3rd Floor, #31 Bastion Square,
Victoria, B.C.
V8W 3E7

All recommendations received by this date will be considered, both for their value and legality, before the regulations are approved by the Minister of Forests and Lands.

After the publication of the regulations, the B.C. Forest Service will produce policy statements to guide its staff in implementation.

B. E. Marr
Deputy Minister
Ministry of Forests & Lands